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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,339	05/25/2001	Kerry S. Atkinson	568	2329

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DYNO NOBEL INC
2650 DECKER LAKE BLVD SUITE 300
SALT LAKE CITY, UT 84119

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliance
With 37 CFR 4.192(c)**

41-37

Application No.

09/864,339

Applicant(s)

ATKINSON ET AL.

Examiner

Michael Carone

Art Unit

3641

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 10/23/04 is defective for failure to comply with one or more provisions of 37 CFR 1.192(c). See MPEP § 1206.

To avoid dismissal of the appeal, applicant must file IN TRIPLICATE a complete new brief in compliance with 37 CFR 1.192(c) within the longest of any of the following three **TIME PERIODS**: (1) **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer; (2) **TWO MONTHS** from the date of the notice of appeal; or (3) within the period for reply to the action from which this appeal was taken. **EXTENSIONS OF THESE TIME PERIODS MAY BE GRANTED UNDER 37 CFR 1.136.**

1. ☐ The brief does not contain the items required under 37 CFR 1.192(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, pending or cancelled, or does not identify the appealed claims (37 CFR 1.192(c)(3)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 1.192(c)(4)).
4. ☐ The brief does not contain a concise explanation of the claimed invention, referring to the specification by page and line number and to the drawing, if any, by reference characters (37 CFR 1.192(c)(5)).
5. ☐ The brief does not contain a concise statement of the issues presented for review (37 CFR 1.192(c)(6)).
6. ☐ A single ground of rejection has been applied to two or more claims in this application, and
 - (a) ☐ the brief omits the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet presents arguments in support thereof in the argument section of the brief.
 - (b) ☐ the brief includes the statement required by 37 CFR 1.192(c)(7) that one or more claims do not stand or fall together, yet does not present arguments in support thereof in the argument section of the brief.
7. ☐ The brief does not present an argument under a separate heading for each issue on appeal (37 CFR 1.192(c)(8)).
8. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 1.192(c)(9)).
9. ☒ Other (including any explanation in support of the above items):

The Brief does not include the proper required title headings, such as "Summary of the Claimed Invention" which refers to the specification by page and line number; Grounds of Rejection to be reviewed on appeal; "Evidence Appendix".

Note that Grounds of Rejection to be reviewed on Appeal replaces the issues for review and the grouping of the claims..

The Summary of the Claimed Invention must be an explanation of the subject matter as defined in the claims.

The Arguments must include a separate heading for each ground of rejection. Claims separately argued must be under separate subheadings.

Applicant is directed to the rule changes with respect to appeal briefs at 69 Fed Reg 49959 (August 12, 2004)

MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER